

**DEPARTMENT OF STATE REVENUE**

**LETTER OF FINDINGS NUMBER: 00-0400**

**Income Tax**

**Calendar Year Ended December 31, 1999**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)**

I. **Tax Administration** – Application of Payment

**Authority:** IC 6-8.1-5-1

Taxpayer protests the assessments.

**STATEMENT OF FACTS**

Taxpayer was assessed \$550 tax, plus penalty, and interest for failure to remit all of its tax due by the due date of the return.

Taxpayer's representative states that the Department's estimated payments do not agree with those of the taxpayer. Taxpayer submitted copies of two checks, each in the amount of \$275.00, and states that this should resolve the issue. The issue dates of the checks are April 14, 1999 and June 10, 1999.

Upon review by the hearing officer, it was determined that the Department refunded \$275.00 plus \$10.58 interest on January 28, 2000 for an overpayment on the 1998 tax return for the check issued on April 14, 1999. Departmental records also indicate that the taxpayer never questioned the refund, accepted and cashed it. The \$275.00 was never applied to 1999.

The June 1999 payment in the amount of \$275.00 was applied to the Taxpayer's account after the payment was erroneously mailed to the Internal Revenue Service. A revised billing was issued reducing the original tax assessment from \$550.00 to \$275.00 plus penalty and interest.

I. **Tax Administration** – Application of Payment

### **DISCUSSION**

Taxpayer's only response and argument is that the company ceased business in the year 2000 and is administratively dissolved.

Taxpayer submitted copies of two checks in the amount of \$275.00 each dated April 14, 1999 and June 10, 1999 and states they should resolve the issue.

The hearing officer found that the taxpayer cashed a refund check in the amount of \$275.00 plus \$10.58 interest for an overpayment in tax for calendar year 1998. The \$275.00 was not applied to 1999, therefore, this balance is due. The second check in the amount of \$275.00 was misapplied, corrected, and a revised billing issued.

Taxpayer has not provided additional evidence to negate or reduce the remaining assessments.

### **FINDING**

Taxpayer's protest is denied.